

REMARKS

INTRODUCTION

In accordance with the following, reconsideration of the allowability of the pending claims is respectfully requested.

Claims 1, 3, 5-7, 9-10, 12, 14, 16, 18, 20 and 22-25 are pending and under consideration.

REJECTIONS UNDER 35 USC 103

Claims 1, 3, 5-7, 9, 10, 12, 14, 16, 18, 20 and 22-25 stand rejected under 35 USC § 103(a) as being obvious over Kobayashi, U.S. Patent No. 6,522,330, in view of Ooishi, U.S. Patent No. 5,802,538. This rejection is respectfully traversed.

The outstanding rejection would appear to maintain the previous rejections, and further sets forth that applicant's previous arguments were not persuasive.

In the last response, applicant presented an argument that Ooishi failed to disclose the claimed setting of the created character information so that the created character information is accessible from each of the input terminal equipments.

In response, the Office Action details, on page 9, that Ooishi, U.S. Patent No. 5,802,538, is only being used to disclose the capability of a system to deliver external characters to "some other system via the network." "Therefore, Ooishi teaches the external characters CAN BE delivered to or transferred via network to a distributee's system (column 7) so that the created character information is accessible from each of the input terminal equipment. Ooishi teaches the character processing apparatus as shown in FIGS. 1-4 which notifies the user of the created character information by displaying external characters on the monitor screen."

Thus, the Office Action has responded to our comments by indicating that Ooishi is only broadly being used to disclose that external characters can be delivered to or transferred via a network to a distributee's system, and primarily bases the outstanding rejection on the premise that it would have been obvious to permit Kobayashi to include the same "because such a construction would have provided a means for sharing resources and distributing/creating the external character codes through the network."

However, it would appear that the § 103 rejection is improper. The Office Action appears to expressly discount the full disclosure of Ooishi and has merely interpreted Ooishi as disclosing the claimed "the created character information is accessible from each of the input terminal equipments," by concluding that in Ooishi external characters "can be" delivered to or transferred via a network to a distributee's system.

Essentially, the recited motivation for modifying Kobayashi is circular. The rejection, in fact, merely recites that it would have been obvious to add the capability of delivering or transferring external characters via a network to a distributee's system to Kobayashi because "such a construction would have provided a means for sharing resources and distributing/creating the external character codes through the network." The recited motivation for this obviousness rejection is based solely on a conclusion of the Examiner that because Ooishi may disclose a feature, it would have been obvious to add that feature to Kobayashi so the modified Kobayashi would have the feature of Ooishi.

Conversely, a proper obviousness rejection must be based on some motivation or suggestion in the record, i.e., there must be something in the record that supports the conclusion that a feature from Ooishi is needed/beneficial/desired in Kobayashi, other than the Examiner's sole opinion.

Regardless of the properness of this obviousness rejection, the following is further noted:

As acknowledged by the examiner, Kobayashi fails to teach that the created character information is accessible from each of the input terminal equipments through the network.

The examiner relies on Ooishi to teach these features not taught in Kobayashi. In paragraph 6, on pages 9-10 of the Office Action, the examiner refers to columns 5 and 7 of Ooishi as disclosing these features.

However, column 5 of Ooishi merely relates to a network access related to the DOCUMENT DATA OF JOB "C". As may be seen from FIG. 4 of Ooishi, the DOCUMENT DATA OF JOB "C" (10d) is sent from the host computer to the personal computer 11 via the network. The DOCUMENT DATA OF JOB "C" may be regarded as text data like a WORD document. **The DOCUMENT DATA OF JOB "C" does not correspond to "character information which relates to an external character" of the present invention.**

It should be noted that, in Ooishi, information corresponding to the "character information which relates to an external character" is stored in the CUSTOM CHARACTER FILE (10a). There is no teaching or suggestion in Ooishi to send the CUSTOM CHARACTER FILE (10a) from the host computer 10 to the personal computer 11 via a network. In addition, there is no teaching or suggestion in Ooishi to send the CUSTOM CHARACTER FILE FOR JOB "C" (11h)

from the personal computer 11 to the host computer 10. **Simply put, the CUSTOM CHARACTER FILE of Ooishi is not accessible via the network.**

In addition, column 7 of Ooishi, further fails to teach or suggest that the CUSTOM CHARACTER FILE is accessible from the personal computer 11.

Thus, Ooishi fails to teach or suggest that the created character information is accessible from each of the input terminal equipments through the network.

Accordingly, for the foregoing reasons, the features of the present invention recited in each of the independent claims 1, 5, 10, 12, 14, 16, 18 and 20 would not have been set forth even if Kobayashi and Ooishi were combined, i.e. the proffered combination of Kobayashi and Ooishi fails to disclose the presently claimed invention, separately or in combination.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 1, 3, 5-7, 9, 10, 12, 14, 16, 18, 20 and 22-25 be withdrawn and claims 1, 3, 5-7, 9, 10, 12, 14, 16, 18, 20 and 22-25 be allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 14, 2004

By:


Stephen T. Boughner
Registration No. 45,317

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501